

## REMARKS

Claims 1-14, 16-35, 38, and 41-55 are pending in the application. Claims 49-55 have been withdrawn. Claims 1-14, 16-35, 38, and 41-48 stand rejected. Claims 2 and 4 have been canceled. Claims 1, 38, 41-43, and 49 have been amended. Reconsideration and allowance of Claims 1, 3, 5-14, 16-35, 38, and 41-55, in view of the above amendments and following remarks, is respectfully requested.

### The Rejection of Claims 1, 4-9, 11-13, 20, 24-35, 38, 41, and 45-47 Under 35 U.S.C. § 102(b)

Claims 1, 4-9, 11-13, 20, 24-35, 38, 41, and 45-47 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,733,273, issued to Ahr. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

Independent Claims 1, 38, and 41 have been amended to recite that each of the composite's fibrous bands is continuous along the composite's length. Claims 2 and 4 have been canceled. Claims 5-9, 11-13, 20, and 24-35 depend from Claim 1. Claims 45 and 46 depend from Claim 41. Claim 47 depends from Claim 42, which has not rejected in view of the Ahr reference. Applicants believe that the rejection of Claim 47 is a typographical error.

The Ahr reference describes and absorbent member with high density absorbent wicking strips. The absorbent member (10) comprises an absorbent medium (14) having a low density fibrous medium and a plurality of absorbent strips (12) having a higher density than the absorbent medium and which are distributed throughout the absorbent medium. See column 1, lines 53-58, and FIGURES 1-4. As described in the reference and as clearly shown in FIGURES 1-4, strips (12) are not continuous along the member's length.

The Ahr reference fails to describe the composite as now claimed: a composite having fibrous bands that are continuous along the composite's length. Because the reference fails to describe the invention as now claimed, the reference is not anticipatory and withdrawal of the

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rejection is respectfully requested. Applicants further submit that the cited reference fails to teach, suggest, provide any motivation to make, or otherwise render obvious the invention as now claimed.

The Rejection of Claim 19 Under 35 U.S.C. § 103(a)

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Ahr reference. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

Claim 19 depends from Claim 1 which, as discussed above, is neither described nor suggested by the Ahr reference. Because the Ahr reference fails to describe or suggest the composite of Claim 1, and because Claim 19 depends from Claim 1, the claimed invention is nonobvious and patentable over the cited reference. Withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claims 21-23 Under 35 U.S.C. § 103(a)

Claims 21-23 stand rejected 35 U.S.C. § 103(a) as being unpatentable over the Ahr reference in view of EP 0 515 750 (the Chan reference). Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

Claims 21-23 depend from Claim 20, which depends from Claim 1. The deficiencies of the Ahr reference noted above are not cured by the teachings of the Chan reference. Because the cited references, either alone or in combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the claimed invention, the claimed invention is nonobvious and patentable over the cited references. Withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claims 1-3, 5, 6, 9-14, 16-19, 26,  
27, 38, 41, and 45-47 Under 35 U.S.C. § 103(a)

Claims 1-3, 5, 6, 9-14, 16-18, 26, 27, 38, 41, and 45-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,372,312, issued to Fendler et al., in view of U.S. Patent No. 5,613,962, issued to Kenmochi. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

Independent Claims 1, 38, and 41 have been amended to recite that each of the composite's fibrous bands is continuous along the composite's length. Claim 2 has been canceled. Claims 5, 6, 9-14, 16-18, 26, and 27 depend from Claim 1. Claims 45 and 46 depend from Claim 41. Claim 47 depends from Claim 42, which has not rejected in view of the cited references. Applicants believe that the rejection of Claim 47 is a typographical error.

In the Advisory Action, the Examiner states that "it would have been obvious to one having ordinary skill in the art to provide the article of Fendler with the superabsorbent particles taught in Kenmochi." The Advisory Action also states that "the examiner has not relied on Kenmochi alone to teach a composite having one or more fibrous bands in a fibrous base."

Applicants response is two-fold: (1) there is no motivation to modify the teaching of the article described in the Fendler reference to include the superabsorbent particles described in the Kenmochi reference; and (2) even if the teachings were combined, the combined teachings fail to teach or suggest the claimed invention; namely, a composite having one or more fibrous bands in a fibrous base.

First, the cited references provide no motivation for the combination as suggested by the Examiner. The Fendler reference describes an absorbent pad that includes a nonwoven hydrophilic thermoplastic filamentary microfibrinous web having advantageous fluid transfer and wicking properties so as to be suitable as an absorbent component in sanitary napkins (i.e., a

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feminine care hygiene product). See column 1, line 66 through column 2, line 4. The pad described in the reference does not include superabsorbent material. Because the advantageous fluid transfer and wicking properties attributed to the pad would be greatly diminished by the inclusion of superabsorbent material in the pad, the reference can provide no motivation to include superabsorbent in the pad.

Because there is no motivation to modify the absorbent pad described by the Fendler reference to include superabsorbent material described by the Kenmochi reference, the obviousness rejection is improper. Withdrawal of the rejection is respectfully requested for this reason.

More importantly, the combined teachings of the cited references fail to teach or suggest the claimed invention. Neither reference describes any structure having "one or more fibrous bands in a fibrous base" as recited in the claimed composite. The Examiner admits that the Kenmochi is not relied on for the teaching of a composite having one or more fibrous bands in a fibrous base. The Fendler reference is also silent with regard to a composite having one or more fibrous bands in a fibrous base. There is simply no teaching or suggestion in the Fendler reference of any structure having fibrous bands. Because the combination of the cited references fails to teach or suggest each and every of the recited features of the claimed invention, the Examiner's prima facie case of obviousness is untenable. Withdrawal of the rejection on this grounds is respectfully requested.

The Rejection of Claim 28 Under 35 U.S.C. § 103(a)

Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fendler and Kenmochi references in view of U.S. Patent No. 3,525,338, issued to Bernardin. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

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Claim 28 depends from Claim 27, which depends from Claim 26, which depends from Claim 1.

The deficiencies of the teachings of the Fendler and Kenmochi references noted above with regard to Claim 1 are not cured by the teaching of the Bernardin reference. Because the cited references, either alone or in any combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the invention as now claimed, the claimed invention is nonobvious and patentable over the cited references.

The Rejection of Claims 42-44 Under 35 U.S.C. § 103(a)

Claims 42-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fendler and Kenmochi references in view of U.S. Patent No. 5,649,916, issued to DiPalma et al. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

Claims 42 and 43 are independent claims relating to absorbent articles that include the composite of Claim 1. Claim 44 depends from Claim 43.

The deficiencies of the teachings of the Fendler and Kenmochi references noted above with regard to Claim 1 are not cured by the teaching of the DiPalma reference. Because the cited references, either alone or in any combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the invention as now claimed, the claimed invention is nonobvious and patentable over the cited references. Withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claim 48 Under 35 U.S.C. § 103(a)

Claim 48 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fendler and Kenmochi references in view of U.S. Patent No. 4,527,989, issued to Karami. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

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Claim 48 depends from Claim 47, which depends from independent Claim 42. Claim 42 recites under absorbent article that includes the composite of Claim 1.

The deficiencies of the teachings of the Fendler and Kenmochi references noted above with regard to Claim 1 are not cured by the teachings of the Karami reference. Because the cited references, either alone or in any combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the invention as now claimed, the claimed invention is nonobvious and patentable over the cited references. Withdrawal of this grounds for rejection is respectfully requested.

#### Rejoinder of Claims 49-55

Applicants respectfully request that Claims 49-55 be rejoined with the present application. Claims 49-55 were withdrawn as directed to a non-elected species (absorbent composite as acquisition layer). Claim 49 has been amended to conform with amended Claim 1. Claims 50-55 depend from Claim 49. Applicants believe that, now that the elected species (absorbent composition as storage layer) has been examined and are allowable, and because the absorbent composite itself has been determined to be inventive (see Claim 1), Claims 49-55 are properly rejoined in this application. Rejoinder and allowance of Claims 49-55 is respectfully requested.

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Conclusion

In view of the foregoing remarks, applicants believe that Claims 1, 3, 5-14, 16-35, 38, and 41-55 are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicants' attorney at 206.695.1755.

Respectfully submitted,

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Date:

*February 12, 2004*

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